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SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 24, 2012

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

Approval of Journal

January 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 23, 2012

Mr. Speaker:

I transmit herewith [SJR 102](#) which has passed the Senate.

NOVAK, Secretary

[SJR 102](#) was filed for first reading.

Report of Standing Committees

January 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 405](#) and [H 406](#).

WILLS, Chairman

[H 405](#) was referred to the Health and Welfare Committee.

[H 406](#) was referred to the Education Committee.

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 366](#) and recommend that it do pass.

LAKE, Chairman

[H 366](#) was filed for second reading.

January 24, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 404](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 404](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 407 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PERSONNEL OF THE IDAHO BUILDING CODE BOARD AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE THAT REGIONAL MANAGERS SHALL BE NONCLASSIFIED EMPLOYEES.

HOUSE BILL NO. 408 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE IDAHO ELECTRICAL BOARD; AMENDING SECTION 54-1006, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PRESIDING OFFICIALS OF THE BOARD.

HOUSE BILL NO. 409 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO BUILDING CODE BOARD MEMBER COMPENSATION; AND AMENDING SECTION 54-1908, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLIC WORKS CONTRACTORS LICENSE BOARD MEMBER COMPENSATION.

HOUSE BILL NO. 410 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE IDAHO VIDEO SERVICE ACT; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR FRANCHISING AUTHORITY, TO PROVIDE FOR MODIFICATIONS OF EXISTING FRANCHISE AGREEMENTS, TO PROVIDE FOR A HOLDER OF CERTIFICATE, TO PROVIDE FOR AMENDMENT OF THE CERTIFICATE OF FRANCHISE AUTHORITY, TO PROVIDE FOR PROVISION OF ACCESS TO VIDEO SERVICE WITHIN A CERTAIN PERIOD, TO PROVIDE FOR SUSPENSION OF AUTHORITY FOR NONCOMPLIANCE WITH CERTAIN REQUIREMENTS, TO PROVIDE FOR FEES, TO PROVIDE FOR THE USE OF PUBLIC RIGHTS-OF-WAY, TO PROVIDE FOR A VIDEO SERVICE PROVIDER FEE, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS AND TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR CUSTOMER SERVICE STANDARDS, TO PROVIDE FOR DESIGNATION AND USE

OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL OR GOVERNMENTAL USE AND TO PROVIDE FOR APPLICABILITY OF OTHER LAW; AND PROVIDING SEVERABILITY.

[H 407](#), [H 408](#), [H 409](#), and [H 410](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SJR 102](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 395](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[H 363](#), [H 364](#), and [H 365](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 361](#) - SALES AND USE TAX

[H 361](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 361](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Killen. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 361](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 25, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:16 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk